

Serial No. 09/318,03Page 7

REMARKS

Claims 1 - 25 are presently pending. In the above-identified Office Action, the Examiner objected to the Specification and rejected Claims 1 - 3 and 6 - 10 under 35 U.S.C. § 102(e) as being anticipated by Wang (U. S. Patent No. 5,940,750). Claims 4, 5 and 20 - 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang and well-known prior art. Claim 25 was rejected under 35 U.S.C. § 102(e) as being anticipated by Campanella *et al.* (U. S. Patent No. 6,115,366). Claims 11 - 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang and Anderson *et al.* (U. S. patent No. 5,940,750). Claims 14 - 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Anderson, and well-known prior art. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Anderson, and Campanella. Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang and Campanella. Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being untenable over Wang, well-known prior art, and Campanella.

By this Amendment, the minor objection to the Specification has been addressed, Claim 1 has been amended, Claims 2, 3 and 25 have been canceled, and new Claim 26 has been presented for consideration. For the reasons set forth more fully below, the present Claims properly define inventions patentable over the prior art. Reconsideration, allowance and passage to issue are therefore respectfully requested.

The subject application teaches a novel receiver design by which first and second bands are received, each band having multiple carriers. The novel receiver is particularly well-suited for satellite radio applications by which multiple carriers are transmitted within first and second ensembles by first and second satellites and a terrestrial repeater. The intention is set forth in Claims of varying scope of which Claim 1 as amended is illustrative. Claim 1 now recites:

Serial No. 09/318,03.....Page 8

1. A receiver comprising:

first means for receiving signals in a first band, said first band including multiple carriers;

second means for downconverting said received signals in the first band;

third means for receiving signals in a second band, said second band including multiple carriers;

fourth means for downconverting signals in the second band; and

fifth means for selectively outputting signals from the first band or the second band. (Emphasis added.)

None of the references, teach, disclose or suggest the invention as presently claimed. That is, none of the references, taken alone or in combination, teach disclose or suggest a receiver adapted to receive signals in first and second bands, each band having multiple carriers, and adapted to selectively output signals from the first band or the second band.

In the above-identified Office Action, the Examiner relied heavily on Wang. Wang purports to teach a low-cost, low noise block downconverter with a self-oscillating mixer for satellite broadcast receivers. In Figs. 6A and 6B Wang appears to teach a receiver architecture adapted to receive signals in multiple bands, the teaching of Wang still falls far short with respect to the invention as presently claimed. That is, Wang fails to teach, show or suggest a receiver architecture adapted to receive signals in first and second bands, **each band having multiple carriers**, and adapted to selectively output signals from the first band or the second band.

The Examiner suggests that in column 7, lines 43 - 46, Wang discloses a receiver capable of receiving first and second bands with multiple carriers. However, this interpretation of the reference is inaccurate. That is, as is clear from column 7, lines 43 - 46 of the reference, the amplifier 172 is adapted to receive a pair of RF signals in first and second frequency bands, respectively. A switch 177 serves to selectively choose the output of a first mixer 176 or a second mixer 178. The downconverted IF signals are then coupled to a power combiner 180. Thus, while it is clear that the receiver is adapted to operate over multiple bands, no teaching is provided with respect to an operation over multiple bands where **each band has multiple carriers**. Accordingly, the rejections of

Serial No. 09/318,03Page 9

Claims 1 and 6 - 10 should be withdrawn and these claims should be allowed. Moreover, inasmuch as Anderson and Campanella were cited to provide specific supplemental teachings, all of the claims currently depending from Claim 1, as amended, should be allowable.

Claim 20 defines an interoperable receiver adapted to receive signals in the XM band and the CD band. Inasmuch as the XM band includes multiple carriers, for the reasons set forth above, Claim 20 and the claims dependent thereon should be allowable as well.

Regarding the rejection of Claim 25, the Examiner's position that Campanella discloses a satellite radio receiver architecture is not supported by the teaching of the reference. That is, Campanella fails to teach, disclose, or suggest a satellite radio receiver adapted to receive an audio datastream and a data datastream that is adapted to selectively output said audio and said data datastreams. Accordingly, the rejection of Claim 25 is respectfully submitted as being improper and should be withdrawn.


Inasmuch as new Claim 26 includes limitations directed to the receipt of first and second ensembles, each ensemble having multiple carriers, Claim 26 should be allowable as well.

Serial No. 09/318,03Page 10

In short, for the reasons set forth above, all of the Claims presently pending should be allowable. Reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
P. Marko et al.

By


William J. Benman, Jr.
Attorney for Applicant
Registration No. 29,014

Benman & Collins
2049 Century Park East, Suite 2740
Los Angeles, CA 90067

(310) 553-2400
(310) 553-2675 (fax)